

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>VALERIE HANES,</b>	)	
<b>Plaintiff</b>	)	
	)	<b>Civil Action No. 05-135E</b>
<b>vs.</b>	)	
	)	
<b>ELK REGIONAL MEDICAL CENTER,</b>	)	
	)	
<b>Defendant</b>	)	

**MOTION FOR ENLARGEMENT OF DISCOVERY PERIOD**

Defendant, Elk Regional Health Center ("Elk Regional")<sup>1</sup>, by its attorneys, Cohen & Grigsby, P.C., files the following Motion for Enlargement of Discovery Period. In support of its motion, Elk Regional states as follows:

1. On May 6, 2005, Plaintiff filed a Complaint alleging that Elk Regional discriminated against her on the basis of her age and sex in violation of the Age Discrimination in Employment Act ("ADEA") and Title VII of the Civil Rights Act of 1964 ("Title VII"). Elk Regional filed its Answer and Defenses on July 6, 2005.

2. On August 17, 2005, the parties submitted a Joint F.R.C.P. 26(f) Report and Proposed Case Management Order setting forth various deadlines for case management purposes.

3. On August 19, 2005, during the initial Rule 16 Scheduling Conference, the Court adopted the parties' Proposed Case Management Order as the Court's Case Management Order. The Court directed the parties to complete discovery by December 26, 2005.

---

<sup>1</sup> Elk Regional is misidentified in the caption as "Elk Regional Medical Center." There is no entity known as "Elk Regional Medical Center." To the contrary, Plaintiff had been employed by Elk Regional Health Center.

1046722\_1

4. Elk Regional served Plaintiff with its First Set of Interrogatories and Requests for Production of Documents Directed to Plaintiff (hereinafter collectively referred to as "Discovery Requests") on November 11, 2005.

5. On December 21, 2005, the Court issued an Order extending the discovery deadline to February 24, 2006.

6. To date, Elk Regional has not received any responses to its Discovery Requests. As a result, Elk Regional has filed a Motion to Compel and For Sanctions concurrently with this Motion.

7. On January 30, 2006, Elk Regional issued a Notice of Deposition Duces Tecum scheduling the Plaintiff's oral deposition for February 22, 2006 - two days prior to the close of discovery. Without timely and adequate responses to the Discovery Requests, this deposition will be meaningless. Therefore, Elk Regional must reschedule the deposition.

8. Moreover, as part of the Discovery Requests, Plaintiff was asked to complete authorizations to release medical and employment information. Once these authorizations are received by Elk Regional, we intend to forward them onto Plaintiff's former employers and medical providers ("Non-Parties"). The receipt of these documents from the Non-Parties is essential in preparing for Plaintiff's deposition.

9. Elk Regional has been prejudiced by Plaintiff's failure to submit timely responses to the Discovery Requests because it has been unable to conduct meaningful discovery based upon the Plaintiff's responses.

10. Based upon the foregoing, Elk Regional requests up to a forty-five (45) day extension of discovery and related deadlines for the sole purpose of obtaining adequate responses to the Discovery Requests and to take Plaintiff's oral deposition.

1046722\_1

Wherefore, Defendant, Elk Regional Health Center, respectfully requests that this Honorable Court enlarge the discovery period and related dates in its December 21, 2005 Order of Court by up to forty-five (45) days for the sole purpose of obtaining adequate response to Written Discovery Requests and to take Plaintiff's oral deposition.

Respectfully submitted,

**COHEN & GRIGSBY, P.C.**

By: 

W. Scott Hardy, Esquire

PA ID. No. 79225

Kimberly A. Craver, Esquire

PA ID. No. 90017

11 Stanwix Street, 15<sup>th</sup> Floor  
Pittsburgh, PA 15222  
(412) 297-4900

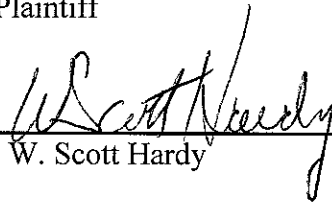
Counsel for Defendant  
Elk Regional Health Center

Dated: February 10, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within Motion For Enlargement of Discovery Period was served via United States First Class Mail, Postage Prepaid on the 10th day of February, 2006, upon the following:

Jerome J. Kaharick, Esq.  
Michael Csonka, Esq.  
Wallace Building  
Suites 301 and 302  
406 Main Street  
Johnstown, Pennsylvania 15901  
Counsel for Plaintiff

  
\_\_\_\_\_  
W. Scott Hardy